



H 17

\$ Sector

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 25, 2001.

Barbara Haggerty

Name

Barbara Haggerty

Signature

July 25, 2001

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gan et al.

Serial No.: 09/859,558

Filed: May 17, 2001

For: Control Of Cell Swelling By The Proper Choice Of Carbon Monoxide (CF_x) Cathode Materials On High Rate Defibrillator Cells

RESPONSE

Assistant Commissioner for Patents
Attention: Box Missing Parts
Washington, D.C. 20231

Sir:

Responsive To the Notice To File Missing Parts Of Application dated July 17, 2001 (copy enclosed), herewith is the executed Oath and Declaration. Enclosed is a payment of the \$130.00 surcharge. If underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

Respectfully submitted,

HODGSON RUSS LLP

By

Michael F. Scalise

Michael F. Scalise

Reg. No. 34,920

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATED: July 25, 2001

BFLODOCS:573036_W)

FEE TRANSMITTAL for FY 2001

Patent Fees are subject to annual revision.



Application Number	09/859,558
Filing Date	05/17/2001
First Named Inventor	Gan et al.
Examiner Name	
Group/Art Unit	
Attorney Docket Number	04645.0734

TOTAL AMOUNT OF PAYMENT (\$130.00)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

3. ADDITIONAL FEES

Deposit Account Number: 08-2442		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid		
Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17		105	130	205	65	Surcharge - late filing fee or oath	\$130		
Applicant claims small entity status. See 37 CFR 1.27.		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$		
2. Payment Enclosed:									
Check Credit Card Money Order Other		139	130	139	130	Non-English specification	\$		
FEE CALCULATION		147	2,520	147	2,520	For filing a request for ex parte reexamination	\$		
1. BASIC FILING FEE									
Large Entity Small Entity		112	920*	112	920*	Requesting Publication of SIR prior to Examiner Action	\$		
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid						
			113	1,840*	113	1,840*	Requesting Publication of SIR after Examiner Action	\$	
101	710	201 355 Utility filing fee	\$	115	110	215	55	Extension for reply within first month	\$
106	320	206 160 Design filing fee	\$	116	390	216	195	Extension for reply within second month	\$
107	490	207 245 Plant filing fee	\$	117	890	217	445	Extension for reply within third month	\$
108	710	208 355 Reissue filing fee	\$	118	1,390	218	695	Extension for reply within fourth month	\$
114	150	214 75 Provisional filing fee	\$	128	1,890	228	945	Extension for reply within fifth month	\$
SUBTOTAL (1)		\$0	119	310	219	155	Notice of Appeal	\$	
2. EXTRA CLAIM FEES		Extra Fee from Claims below	Fee Paid						
			120	310	220	155	Filing a brief in support of an appeal	\$	
Total Claims / / -20** = / / x / / =		\$	121	270	221	135	Request for oral hearing	\$	
Independent Claims / / - 3** = / / x / / =		\$	138	1,510	138	1,510	Petition to institute a public use proceeding	\$	
Multiple dependent / / x / / =		\$	140	110	240	55	Petition to revive - unavoidable	\$	
Large Entity Small Entity			141	1,240	241	620	Petition to revive - unintentional	\$	
Fee Code (\$)	Fee Code (\$)	Fee Description							
			142	1,240	242	620	10 advance copies Utility issue fee (or reissue)	\$	
103	18	203 9 Claims in excess of 20		143	440	243	220	Design issue fee	\$
102	80	202 40 Independent claims in excess of 3		144	600	244	300	Plant issue fee	\$
104	270	204 135 Multiple dependent claim if not paid		122	130	122	130	Petitions to the Commissioner	\$
109	80	209 40- **Reissue independent claims over original patent		123	50	123	50	Processing fee under 37 CFR 1.17(q)	\$
110	18	210 9 **Reissue claims in excess of 20 and over original patent		126	180	126	180	Submission of Information Disclosure Statement	\$
SUBTOTAL (2)		\$0	581	40	581	40	Recording each patent assignment per property (times number of properties)	\$	
SIGNATURE: Michael F. Scalise			146	710	246	355	Filing a submission after final rejection(37 CFR 1.129(a))	\$	
Michael F. Scalise Reg. No. 34,920			149	710	249	355	For each add'l invention to be examined(37 CFR 1.129(b))	\$	
DATE: July 25, 2001 Telephone: (716) 848-1258			179	710	279	355	Request For Continued Examination (RCE)	\$	
			169	900	169	900	Request for Expedited Examination of a design appln.	\$	
			*Reduced by basic filing fee paid					SUBTOTAL (3)	\$130

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 25, 2001.

Barbara Haggerty
Name

Barbara Haggerty
Signature

July 25, 2001
Date of Signature

573035



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/859,558	05/17/2001	Hong Gan	04645.0734

CONFIRMATION NO. 4108

FORMALITIES LETTER



OC00000006305279

Michael F. Scalise
Hodgson Russ LLP
One M&T Plaza, Suite 2000
Buffalo, NY 14203-2391

Date Mailed: 07/17/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

H.T.
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/31/2001 FFANAEIA 00000039 09859558

01 FC:105

130.00 OP